IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13167 of 2005

Between:

1 Jitendra Agarwal, S/o. Ravindranath Agarwal,
R/o. Shyamlal Building No. 1-11-242, Begumpet, Hyderabad.
2 Monika Agarwal, W/o. Jitendra Agarwal,
R/o. Shyamlal Building No. 1-11-242, Begumpet, Hyderabad.
3 Susheela Agarwal, W/o. Ravindranath Agarwal,
R/o. Shyamlal Building No. 1-11-242, Begumpet, Hyderabad.
4 Aditya Agarwal, S/o. Ravindranath Agarwal,
R/o. Shyamlal Building No. 1-11-242, Begumpet, Hyderabad.
5 Sriram Agarwal, S/o. Ravindranath Agarwal,
R/o. Shyamlal Building No. 1-11-242, Begumpet, Hyderabad.

..... PETITIONERS

AND

1 The Government of Andhra Pradesh,Dept. of Municipal Adminsitration & Urban Development, Rep. by its Secretary, Hyderabad.
2 Municipal Corporation of Hyderabad, Rep. by its Commissioner, Masabtank, Hyderabad.
3 The Assistant Commissioner, Circle V, Municipal Corporation of Hyderabad,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in resorting to demolish the shop namely "Jayadurga Furnishings", situated in premises bearing No. 7-1-79/1, Ameerpet, Hyderabad as illegal, contrary to law, arbitrary, against the principal of natural justice, discriminatory and unconstitutional and to pass such other order or further orders.

Counsel for the Petitioners: MR.VENKATESWARLU POSANI

Counsel for the Respondent No.1: GP FOR MUNCIPAL ADMN. & URBAN DEV.

Counsel for the Respondent Nos.2 and 3: Smt. G. Jyothi Kiran, Standing

Counsel for the Municipal Corporation of Hyderabad.

This Court at the admission stage made the following:

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION No.13167 of 2005

O R D E R:

It is represented by both the learned counsel that the issue involved in the writ petition is squarely covered by a decision of a Division Bench of this Court in *P. LAKSHMANA RAO VS. EXECUTIVE OFFICER,* whereby the Division Bench while considering an identical question issued certain guidelines.

The writ petition is accordingly disposed of, at the admission stage, directing the respondents not to demolish the shop-in-question without following the guidelines issued by the Division Bench in the decision *supra*. No costs.

(ELIPE DHARMA RAO, J)

Date:21-06-2005

Note:

Issue CC in three days.

B/o

ghn

To

1 The Secretary, Government of Andhra Pradesh, Dept. of Municipal Adminsitration & Urban Development, Hyderabad.
2 The Commissioner, Municipal Corporation of Hyderabad, Masabtank, Hyderabad.
3 The Assistant Commissioner, Circle V, Municipal Corporation of Hyderabad,

4 Two CCs to the Government Pleader for Government Pleader for Municipal Administration, High Court of A.P., Hyderabad. (O.U.T.)

5 Two CD copies.